

Application Serial No. 10/593,610
Reply to office action of September 10, 2009

PATENT
Docket: CU-5095

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 13-36 are pending before this amendment. By the present amendment, claims 13-36 are amended. No new matter has been added.

In the office action (page 3), claims 13-36 stand objected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 13-20 and 29-32 have been amended to recite a system having a processor. Claims 21-28 and 33-36 have been amended to recite a processor readable storage medium with instructions stored thereon, wherein executing the instructions on a processor causes steps to be performed.

Applicants submit that amended claims 13-36 are directed to statutory subject matter. Applicants respectfully request that the 35 U.S.C. §101 rejections of claims 13-36 be withdrawn.

In the office action (page 4), claims 13-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,564,263 (Bergman). The "et al." suffix is omitted from the Bergman reference name.

Independent claims 13 and 17, and dependent claims 14-16 and 18-20 have been amended at line 1 of each claim to add --TV-Anytime service system--. Independent claims 21 and 25 have been amended at line 4 of each claim to add --TV-Anytime service--. Independent claim 29 and dependent claims 30-32 have been amended at line 1 of each claim to add --TV-Anytime service--. Independent claim 33 has been amended at line 3 to add --TV-Anytime service--.

Bergman does not disclose a TV-Anytime service system. Bergman also does not disclose a TV-Anytime service. By contrast, amended claims 13-21, 25, and 29-33 recite either a TV-Anytime service system or a TV-Anytime service.

Applicants submit that amended claims 13-21, 25, and 29-33 are not anticipated by Bergman. Applicants further submit that amended claims 22-24, 26-28, and 34-36 are not anticipated by Bergman because claims 22-24 depend upon claim 21, claims 26-28 depend upon claim 25 and claims 34-36 depend upon claim 33. Applicants respectfully request that the 35 U.S.C. §102(b) rejections of claims 13-36 be withdrawn.

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For the reasons set forth above, the applicants respectfully submit that claims 13-36, now pending in this application, are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

Dated: December 8, 2009



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